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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.4567/2007

PETITIONER

Jagdeesh Prasad Choudhari, s/o
Late Shri Prithwi Raj Choudhari,
aged about 62 years, Upper
Division Teacher, Govt. Middle
School, Loharsingh Raigarh ((C.G.)
Resident of village & Post
Kondatarai, Tahsil & Distt.
Raigarh (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh Through
Secretary Education Department,
D.K.S. Bhawan, Raipur (C.G)
(C.G.)
2. The District Education Officer,
Raigarh, Distt. Raigarh (C.G)
3. The Collector, Raigarh, Distt.
Raigarh (C.G)
4. Block Education Officer, Pusour
Distt. Raigarh (C.G).

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri R.S. Patel, Counsel for the petitioner.
Shri Yashwant Singh, Govt. Advocate, for the State on
advance copy.

ORAL ORDER
(06.08.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner, who is working on the post of Upper Division Teacher, has challenged his order of transfer dated 20.7.2007 (Annexure P-1) whereby he has been transferred from Government Middle School, Pusaur to Government High School, Bonda, Baramkela, on administrative exigency.

Learned counsel for the petitioner argues that the date of birth of the petitioner is 12.1.1946 (Annexure P-2), according to which, the petitioner is to retire on 31.01.2008. He also argues that according to Clause 7 of the transfer policy dated 13th June 2007, if the employee is

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at the verge of retirement and one year period is only left for retirement, his case is to be governed by the provisions of the said Clause. He submits that in this manner, the order of transfer is in violation of transfer policy made by the Government.

Having heard learned counsel for the petitioner as also the State Counsel and after going through the contents of transfer order as well as Certificate Annexure P-2, in which, the date of birth of the petitioner has been mentioned as 12.1.1946 and the contents of the transfer policy vide Clause 7, in the opinion of this Court, ends of justice would be served if the petitioner is directed to file a representation before the concerned authority invoking the provisions of Clause 7 of the transfer policy framed by the State.

Accordingly, this petition is disposed of with a direction that the petitioner, if so advised, may file a detailed representation before the concerned authority within a period of 3 weeks from today along-with a copy of this order and copy of this writ petition raising his grievances and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 2 months from the date of submission of representation.

It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting i.e., Govt. Middle School, Loharsingh, Pusaur and shall be allowed to continue there.

With the above direction/observations, this petition stands finally disposed of.

C.c. as per rules.

**Sd/-
Sunil Kumar Sinha
Judge**

Rao